

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: **Taylor et al.**

Serial No.: **10/038,405**

Filed: **January 3, 2002**

For: **Method and Apparatus for
Optimizing a Security Database for a
Self-Service Checkout System**

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§ Group Art Unit: **3714**

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§ Examiner: **Ronald Laneau**

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§ Attorney Docket No.: **RPS920050806US1**

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DECLARATION UNDER 37 CFR 1.47(b)

Mail Stop Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Willy Rose declares as follows:

I am employed by Yee & Associates, P.C. in the capacity of technical advisor for IBM Corporation.

I was assigned the duty by IBM of obtaining the signatures on a replacement Declaration and Oath from the inventors of the above application entitled "Method and Apparatus for Optimizing a Security Database for a Self-Service Checkout System", Serial No. 10/038,405 in response to the Ex parte Quayle action dated September 20, 2007.

I contacted the two inventors and obtained the signature of Brian David Taylor, however John Allard refused to sign the replacement declaration. I contacted Mr. Allard by telephone on November 14, 2007 and he again refused to execute the declaration. Our conversation was followed by email on November 18, 2007 confirming he was refusing to sign the replacement declaration.

November 20, 2007

Respectfully submitted,


Willy Rose

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Group Art Unit: **3714**

Examiner: **Laneau, Ronald**

Attorney Docket No.: **RPS920050806US1**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

39698
PATENT TRADEMARK OFFICE
CUSTOMER NUMBER

**REQUEST FOR RECONSIDERATION OF
PETITION UNDER 37 C.F.R. §1.47(b)**

The Assignee requests that the declaration entitled "METHOD AND APPARATUS FOR OPTIMIZING A SECURITY DATABASE FOR A SELF-SERVICE CHECKOUT SYSTEM" be accepted without the signature of John Allard on the replacement Declaration, filed herewith. One of the inventors, John Allard, refused to re-execute the application for patent after diligent efforts made by Assignee and their representatives. The last known address of John Allard is 1366 SW 4th Court, Boca Raton, Florida 33432. The signature of his co-inventor, Mr. Brian David Taylor, was obtained.


Mr. Allard signed the original Oath and Declaration on April 29, 2002, a copy of which is attached. The statement language used in that Declaration has since been considered incorrect under 37 CFR 1.56. Mr. Allard was contacted by Jason Piche, counsel for IBM, to re-execute a replacement Oath and Declaration, but he refused. Diligent efforts to obtain the signature of John Allard were also made by Assignee's representative, per the Affidavit attached. These efforts resulted in Mr. Allard refusing to sign the declaration for this application.

It is respectfully requested that the replacement declaration be accepted without the signature of John Allard.

A fee of \$200.00 is required for Petitions as set forth in 37 CFR 1.17(g). Please charge this fee to IBM Corporation Deposit Account No. 50-0563. No additional fees are believed to be necessary. If, however, any additional fees are required, I authorize the Commissioner to charge these fees which may be required to IBM Corporation Deposit Account No. 50-0563. No extension of time is believed to be necessary. If, however, an extension of time is required, the extension is requested, and I authorize the Commissioner to charge any fees for this extension to IBM Corporation Deposit Account No. 50-0563.

Date: November 20, 2007

Respectfully submitted,

/Theodore D. Fay, III/ 
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